UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/2000/139
21 February 2000

ORIGINAL: ENGLISH

LETTER DATED 18 FEBRUARY 2000 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have been instructed by my Government to bring to your attention violations of the airspace of the Federal Republic of Yugoslavia by the North Atlantic Treaty Organization (NATO) through the unnotified presence of its military aircraft in civilian corridors above the south-eastern Adriatic, contrary to relevant international norms and to the ensuing threats to flight safety.

On 26 January 2000, a day before the resumption of international traffic through the airspace of the Federal Republic of Yugoslavia, the Federal Air Traffic Control Authority received a request from the European regional bureau of the International Civil Aviation Organization (ICAO), filed by NATO, to make public the information on the establishment of NATO zones above international waters in the part of the space covered by the Belgrade area flight control authority. It was requested that the establishment of five zones above the international waters of the Adriatic Sea and one above the territory of the Federal Republic of Yugoslavia, extending in the direction north-west to south-east, from the Dubrovnik hinterland over Boka Kotorska, Budva and Ulcinj to the western part of Albania, 10 kilometres in width, be made public prior to 27 January. The zone is called "Sentinel Flare". It was stated in the ICAO request that the zones would be activated by way of urgent notifications 48 hours in advance, as provided for by international regulations. The activation of one zone will imply a simultaneous activation of the others. It was specified that urgent notifications relative to the activation of zones would be handled by one of a number of NATO countries participating in the activities.

Following the resumption of air traffic above the Federal Republic of Yugoslavia and the Balkans on 27 January, two cases of threats to flight safety have been registered.

The first case took place on 10 February. The captain of an Adria Airways plane en route to Tirana from Ljubljana reported the presence of another aircraft in his immediate vicinity in the airspace above Budva at an altitude of 8,200 metres about which the area's air traffic control had no information. Subsequent questioning of the Zagreb area air traffic control revealed that a

NATO aircraft had entered, without approval, the airspace, without having made a prior reservation. In addition to violating the airspace of the Federal Republic of Yugoslavia, the NATO aircraft violated the valid international regulations relative to the activation of zones for special activities in a most flagrant way, which could have resulted in much more serious consequences.

The second case took place on 14 February. The Belgrade area air traffic control noted on its radar screen a number of aircraft around point Konuv, 18 kilometres south-east of Dubrovnik. These unnotified activities of NATO aircraft were also confirmed by the pilot of a Cyprus Airways plane en route to Larnaka from London, flying at an altitude of 11,200 metres in the airspace covered by the Belgrade area air traffic control. The Cyprus Airways plane activated the mechanism for detecting other aircraft in the immediate vicinity and at an insufficient vertical distance (less than 300 metres). The unnotified NATO activities caused a threat to the safety of that commercial flight as well.

Following the report of the Cyprus Airways pilot, filed at 2.32 p.m., the Federal Air Traffic Control Authority issued an urgent notification closing the entire airspace south-west of Podgorica from sea level up to 14,000 metres and restricting flights in the area above the Tivat airport in order to prevent further threats to flight safety. The restriction related to civilian aircraft, which in practical terms meant the closing of the airport to commercial flights.

Parallel to the issuance of the urgent notification, the Federal Air Traffic Control Authority sent a letter to the ICAO European regional bureau advising it of the said problems and recalling its obligation to coordinate with NATO in order to enable a speedy lifting of the above-mentioned restrictions. The Federal Air Traffic Control Authority also advised that the said urgent notification would be in force 48 hours and that it could be extended pending the results of the ICAO-NATO coordination effort. In its letter, the Federal Authority pointed out that all users of the said airspace must abide by international regulations so as to avoid unwanted consequences and to achieve maximum flexibility in its use and a requisite level of flight safety.

In his reply of 2 February, the ICAO regional director advised the Federal Air Traffic Control Authority that he would take steps with NATO aimed at eliminating the need for future restrictions. If, however, NATO were to continue the above-mentioned practices which would necessarily lead to the closure of the airspace of the Federal Republic of Yugoslavia, the confidence of air carriers in the integrity of that airspace would be shattered, which could lead them to look for alternative routes, even at a time when restrictions were not in force. This would hamper the efforts of the Federal Republic of Yugoslavia and international air organizations to fully normalize the air traffic in the region.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.